INDEX.

PAGE

ARTICLES.

AGENCY, I. *O. W. Holmes, Jr* 345

ALIMONY DECREES IN MASSACHUSETTS, DEFECTIVE. *George F. Ormsby* 25

BURDEN OF PROOF, THE. *James B. Thayer* 45

ELECTRIC RAILWAY, POLES AND WIRES FOR. *Edward Q. Keasbey*. 245

ELEVATED ROAD LITIGATION. *Edward A. Hibbard* 70

EQUITY JURISDICTION, BRIEF SURVEY OF. *C. C. Langdell* 99

GELPCKE *v.* DUBUQUE, THE CASE OF. *James B. Thayer* 311

LAND TRANSFER REFORM: THE AUSTRALIAN SYSTEM. *John T. Hassam* 277

LAND TRANSFER REFORM: CONSTITUTIONALITY. *H. W. Chaplin* . . 280

LAW AND FACT IN JURY TRIALS. *James B. Thayer* 141

"LIBERTY," THE TRUE MEANING OF THE TERM, IN THOSE CLAUSES IN THE FEDERAL AND STATE CONSTITUTIONS WHICH PROTECT "LIFE, LIBERTY, AND PROPERTY." (Harvard Law School Association Prize Essay, 1890.) *Charles E. Shattuck* 364

MORTGAGE LAW, THE STORY OF. *H. W. Chaplin* 1

NAVIGABLE WATER, THE RIGHT OF ACCESS AND THE RIGHT TO WHARF OUT TO. *Alfred E. McCordic, Wilson G. Crosby* 14

PIPES IN PUBLIC STREETS, TAXATION OF. *Joseph H. Beale, Jr* 83

POLICE POWER AND INTERSTATE COMMERCE, THE. *William R. Howland* 221

PRICE *v.* NEAL, THE DOCTRINE OF. *J. B. Ames* 297

PRIVACY, THE RIGHT TO. *Samuel D. Warren, Louis D. Brandeis* . . . 193

RESTRAINT OF TRADE, ON CONTRACTS IN. *Amasa M. Eaton* 128

TOTAL DISABILITY IN ACCIDENT INSURANCE. *Marland C. Hobbs* . . 176

TRADE-MARKS, ON CERTAIN CASES ANALOGOUS TO. *Grafton Dulany Cushing* 321

CASES.

ADMIRALTY. Extension of doctrine of partial recovery 291

Joint tort-feasors 338

Maritime lien 339

When a warrant may be issued 396

AGENCY. Remedies of principal for fraud of agent 187

When principal is bound by an agent's unauthorized acts 240

See also *Master and Servant; Equity; Common Carriers.*

ALABAMA CLAIMS. See *Insolvency.*

BAILMENT. Duty of banks in the care of collateral 92

When a shopkeeper must care for a customer's wraps 339

PAGE

CASES. — *Continued.*

BILLS AND NOTES. Anomalous indorser 291
Collateral security 396
Domiciled note 291
Qualified acceptance 187
Two judgments 142
When the original debt revives 142
COMMON CARRIERS. Contracts in restraint of trade 93
Contributory negligence 40
Delay caused by strikers 396
Discrimination 93
Eminent domain 339
Liability for torts of servants 339
Limiting amount of liability 40
Limiting liability on free passes 40
CONFLICT OF LAWS. Power of Attorney 291
CONSPIRACY. Combination to drive a rival out of business 240
CONSTITUTIONAL LAW. Due process of law. Arbitrary power of a railroad commission 142
Effect of a special appearance in a court of Texas 291
Elections; suit by a tax-payer to question validity of 292
Cumulative voting; Const. of Michigan 396
Equal protection of the laws. Discriminating license fee 40
Licenses to sell intoxicating liquors 240
Licenses to sell granted only to citizens of the United States 339
Right of appeal 240
Schools; separation of colored and white children 397
Execution of the laws; power of the President 142
Full faith and credit to be given to records of another State . . . 93
Grand Jury, meaning of, in Const. of North Carolina 291
Habeas Corpus, writs issued by U. S. Circuit Courts 142
"Holding court" by one district judge for another: Const. of Montana 339
Interstate commerce. Extension by the "Wilson Bill" of previously existing State laws to imported liquor 339
Gambling, not a species of 397
Meat inspection laws 143
Original packages; *Leisy* v. *Hardin* 143
Original package, what it is 339
Original package, when State may prohibit sale of 397
Telephone messages are subjects of interstate commerce . . 340
Time when imported property becomes subject to State liquor laws; constitutionality of "Wilson Bill" 292
Jury; right to trial by a jury of the vicinage; Const. of California 397
Police power. Fixing of water-rates; deprivation of property . . 41
Gambling, suppression of 397
Keeping in possession spirituous liquor for another 93
Killing of infectious animals 397
Regulation of the payment of employés 41

PAGE

CASES. — CONSTITUTIONAL LAW. — *Continued.*
Regulation of the sale of intoxicating liquor; extent of the power of State to do this 240
Power of Congress over dissolved religious corporations 143
Registration laws; Const. of Michigan 94
Schools, separation of colored and white children 397
Sectarian schools; Const. of Wisconsin 94
Taking of property. Under police power to regulate 41
By an increase in the public easement in a highway 144
Taxation by a State of U. S. bonds held by a corporation 188
Territories, power of Congress over the laws of 143
CONSTRUCTION. See *Wills; Contracts.*
CONTRACTS. Agreement to pay damages 240
Contract to pay advance freight 340
Illegality; agreement necessarily involving a fraud 188
Agreement to stifle a prosecution 292
Assignment of fees to be earned 340
Contract in restraint of trade 93
"Trusts" 41
Right of beneficiary to sue 187
Rights of a purchaser for value 143
CONTRIBUTORY NEGLIGENCE. Imputability of parents, to child . . . 143
Of common carriers to passengers 398
See also *Common Carriers; Negligence.*
CONVERSION. What constitutes conversion 397
When selling of grain by a warehouseman amounts to a conversion 94
Unauthorized sale of stock 188
CORPORATIONS. Notice to stockholders 41
Resignation of a director 241
Restraints on the majority 41
Tax on the franchise 188
CRIMINAL LAW. Attempt to commit larceny 292
Construction of statutes 241
Evidence of accomplices 241
Former conviction 292
DEEDS. See *Real Property.*
DEDICATION. See *Real Property.*
DOWER. Effect of wife's release of, in a mortgage 41
DYING DECLARATIONS. See *Evidence.*
EASEMENTS. See *Real Property.*
EMBLEMENTS. See *Real Property.*
EMINENT DOMAIN. House built by a trespasser on defendant's land. 96
See also *Common Carriers.*
EQUITY. Fiduciary relation of factor and principal 340
Injunction against an electric railway by a telephone company . . 144
Injunction of criminal proceedings 188
Order to the master to assign letters-patent 188
Quieting title 397
Reformation of a deed for a voluntary conveyance 292
Right to membership in a political organization 340

PAGE

CASES. — EQUITY. — *Continued.*
Statute of Limitations allowed to run through the fraud of the defendant 241
EVIDENCE. Communication to defendant, showing knowledge on his part 42
Declaration by deceased owner of land 188
Dying declarations 94
Evidence of accomplices 241
Evidence that the fee to be paid by the plaintiff was contingent . . 292
Parol evidence; that a note was not to be enforced 240
In regard to a written warranty 242
Privileged communication to a physician 94
Validity of a statute 145
EXECUTORS AND ADMINISTRATORS. Reimbursement from legatees after distribution 188
EXTRADITION. Political offences 397
FIXTURES. See *Real Property.*
HABEAS CORPUS. Where the defendant has parted with the custody . . 42
HUSBAND AND WIFE. Loss of right to share in the husband's estate 340
ILLEGALITY. See *Contracts.*
INNKEEPERS. Loss of baggage 94
See also *Lien.*
INSOLVENCY. After-acquired property 144
Amount of proof when the creditor holds security 144
Assets; Alabama claims 241
Assignment of a claim to a citizen of another State 189
Fraudulent conveyances 241
INSURANCE. Breach of condition 42
Death by disease 292
Laches of the assignee of a policy 293
Payment of premium to agent 94
Rights of beneficiary in a substituted policy 144
What is an explosion 292
JUDGMENT. Satisfaction 293
LEGAL TENDER. Worn coins 94
LIBEL. Charge that a corporation is corrupt 293
Privileged communications 340
Publication 94
Statement that plaintiff's brother is a convict 241
LIEN. Innkeepers 241
Maritime 339
LOSS OF CONSORTIUM. Action by wife 241
MALICIOUS PROSECUTION. Probable cause 340
MASTER AND SERVANT. Common employment 42
Duty to minors 340
Who is an employé 189
MEASURE OF DAMAGES. Injuries by a second accident 241
In statutory actions for death of human being 95
See also *Real Property.*
MUNICIPAL CORPORATIONS. Delegation of power 293

PAGE

CASES. — MUNICIPAL CORPORATIONS. — *Continued.*
Letting of contracts 189
NAVIGABLE STREAM. Private action for obstruction 95
NEGLIGENCE. Actionable though the plaintiff was violating the Sunday laws 95
Defective bridges 398
Electric cars 398
In not repairing sidewalks, liability of abutters 341
In the performance of a contract, liability to third persons 341
Not contributory if done to save another's life 96
Parent's negligence not imputed to child 143
Proximate cause 398
Statutory actions for death of a human being 95
See also *Contributory Negligence; Master and Servant.*
NOTARIES PUBLIC. Eligibility of women 95
NOTICE. See *Corporation; Real Property.*
NUISANCE. Location convenient, and use reasonable 341
Obstructing navigable streams 95
PAROL EVIDENCE. See *Evidence.*
PARTNERSHIP. Contract to assign interest is within Statute of Frauds . 43
PATENTS. See *Equity.*
PENSIONS. Proceeds of, exempt from attachment 95
PERPETUITIES. See *Wills.*
PERSONAL PROPERTY. Absolute title on sale by court of perishable goods 341
Confusion; intention of tortious taker 144
Gift *inter vivos* not complete without delivery 144
Reserved fund divided as income 242
POST OFFICE. What is unmailable as of defamatory or threatening character 43
PREFERRED CREDITORS. See *Trusts.*
PRIVILEGED COMMUNICATIONS. See *Evidence; Libel.*
PROBABLE CAUSE. See *Malicious Prosecution.*
PUBLICATION. Libel 94
QUASI CONTRACT. Action by a step-child to recover compensation for housework 95
Equal equities 398
Estate of a lunatic liable for necessaries 95
Negligent mistake of fact 341
Town liable for necessaries supplied to a pauper 242
Waiver of tort 144
REAL PROPERTY. Compensation for obstructing ancient lights 43
Confiscation for treason, effect of pardon 96
Conflicting equities; priority of notice 294
Conveyance in fraud of creditors 189
Covenant of grantee to pay mortgage 190
Covenants running with the land 189, 242
Covenant of warranty; measure of damages of remote vendee . . 341
Dedication; reverter in cemetery 144
Deeds; correction of defective acknowledgment 341

PAGE

CASES.—REAL PROPERTY.—*Continued.*

Delivery in escrow to grantee 342
Delivery to registrar 341
Fraudulent filling of blanks; estoppel by negligence; record 342
What constitutes delivery 95
Descent; when the heir murders the owner 398
Easement of abutters not owning fee of highway 189, 342
Easements; ancient lights; future damage 293
Ancient lights; compensation for obstructing 43
Inchoate right 95
Increased burden; telegraph line 144
Way of necessity 145
Emblements; land set off as alimony 293
Eminent domain; compensation 96
Equitable easements 189
Paramount charge on the land 294
Estoppel *in pais* 144
Fixtures; between executor of tenant by the curtesy and remainder-man 342
License of life tenant to remove 342
Innocent disseisor's right to remove structures 96
Measure of damages for injury to reversion 96
Mortgage; sale under power 96
Oral waiver of condition against subletting 294
Possession of tenant; notice to vendee of landlord's title 242
Pre-emption 96
Quitclaim deed, notice of outstanding equities 43
Release by husband of curtesy 342
Revocation of license acted upon 342
Rights of adopted children 342
Rule against perpetuities; alienable interests 96
Possibility upon a possibility 43
Tax sale; what constitutes possession 294
Title by estoppel 242
See also *Equity; Dower.*

REPLEVIN. Depreciation pending appeal 242

RES ADJUDICATA. Action for injury to easement 293
Foreign judgment 145
Former conviction 292

SALES. Conditional delivery 190, 294
Custom of trade 96
Deposit of wheat with a miller 294
Factor's act; document of title 190
Fraudulent representation to a mercantile agency ground for rescission 145
Warranty 242

SLANDER. Words actionable *per se* 243

STATUTE OF FRAUDS. Agreement not to be performed within a year . . 145
Parol partition 190
Partnership agreement 43

PAGE

CASES. — STATUTE OF FRAUDS. — *Continued.*
Sufficiency of memorandum 43, 343
STATUTE OF LIMITATIONS. Overdue dividends are not held adversely until demanded 43
Set-off of debts against legacies 243
Trusts 243
See also *Equity.*
STATUTES. See *Evidence.*
STREET RAILWAYS. See *Real Property.*
TELEGRAPH. Delivery of telegram 145
Limitation of liability for negligence 343
TORT. Actions for death by wrongful act 145
TRADE-MARKS. Fraudulent misrepresentation ground for injunction . . 190
"Union labels" 190
TREASON. See *Real Property.*
TRESPASS. Accidental injury without negligence 294
By cattle; Western rule 44
Forcible entry by owner 144
TRUSTS. Charitable bequest; certainty 243
Condition that a church be built 343
Conflicting equities; priority of notice 294
Implied trust 243
Insolvency; preferred creditors 191
Investment of trust funds 191
Oral trust in land at common law 294
USURY. Compound interest 295
WILLS. Attestation; when in the presence of the testator 191
Construction; mistake in copying 243
Naming a trustee for a valid trust carries the estate to the trustee 243
Perpetuities 191
Phrase "leaving issue" in the gift of an annuity 243
Vesting of remainders 243
Legacy to an executor who renounces probate 44
WRITS. Lack of a seal makes an execution voidable only 295

LECTURE NOTES.
CONTRACTS. Forbearance to sue as consideration 39
CRIMINAL LAW. *Mens rea* 186
SALES. Statute of Frauds, s. 17 91
SURETYSHIP. Statute of Frauds, s. 4; promises made on a new consideration 290
WILLS. Incorporation by reference 239

NOTES.
AMERICAN DECISIONS, citation of, by English courts 38
BANKRUPTCY OF PARTNERS 333
BISHOP OF LINCOLN, Trial of 289
CARRIER. Limiting liability for negligence 287
CLUBS. Use of liquor in prohibition city 183
CONSTITUTIONAL LAW. Cruel and unusual punishment 287

PAGE

NOTES. — CONSTITUTIONAL LAW. — *Continued.*
Fourteenth amendment; liquor licenses 236
Fourteenth amendment; discrimination against aliens 337
CONTRACT. Abstaining from tobacco or liquor as consideration . . . 237
CRIMINAL ATTEMPT, where crime is impossible 88
DISTURBING A BARGAIN, precedent for action for 393
"DIVORCE, THE CAUSE OF THE INCREASE OF," Sidney G. Fisher . . . 139
ENGLISH LAW REPORTS. New series 338
GHOSTS, as affecting relations of landlord and tenant 238
GIFTS OF CHATTELS. *Cochrane* v. *Moore* 140
HARVARD LAW REVIEW. Editorial 35
HARVARD LAW SCHOOL. Appointment of Assistant Professor Williston 87
Appointment of Professor Smith 87
Course in Massachusetts law 138
Dean's Annual Report, 1889-90 395
Lectures on Damages 87
Registered students, 1890-91 138
Resignation of Professor Keener 35
HARVARD LAW SCHOOL ASSOCIATION. Membership 88, 138
Prize essay for 1891 139
HYPNOTISM AND THE LAW 88
JUDGES. Answers to questions of legislature 37
JURY. Bias of jurors; *Com.* v. *Brown* 237
"LEGISLATION, A YEAR'S." Henry Hitchcock 182
LIBEL. Privilege; circulation of congressional speeches 285
MATTHEWS, MAYOR. Proposal for laying out streets 336
METEORITE. Whether belonging to landlord or tenant 234
MISSISSIPPI LAW. "Mississippi and the Mississippians;" Reuben Davis 90
MURDERER. Can he acquire a title by his crime? 394
NUISANCE. *Reinhardt* v. *Mentasti.* 185
"ORIGIN AND GROWTH OF LAW." ["The Ideal and the Actual in the Law."] James C. Carter 141
"ORIGINAL PACKAGE," what constitutes 284
PERPETUITIES, RULE AGAINST. *Whitby* v. *Mitchell* 283
POOL SELLING. Whether legalized by Ives pool bill 38
PROCEDURE IN ENGLAND. Report of committee, 1881 184
SELDEN SOCIETY, publications of 283
STENOGRAPHIC REPORT of trial, in bill of exceptions 89
TELEGRAPH COMPANY. Limiting liability for negligence 288
"TRUSTS," in articles of necessity 36

REVIEWS.
Adams' Equity 295
American Digest 296
Benjamin on Contracts 44
Dos Passos on Collateral Inheritance Taxes 295
Freeman on Void Judicial Sales 97
Johnson's Patentee's Manual 146
Jones' Forms in Conveyancing 399

PAGE

REVIEWS. — *Continued.*

Kerly on the Court of Chancery 191
Markby's Elements of Law 97
Marsh's History of the Court of Chancery 145
Mason's Veto Power 243
Saunders' Legal Medicine 343
L. L. Smith's Transfer of Negotiable Paper as Collateral Security . . . 192
W. W. Smith's Treatise on Private Corporations 98
Willoughby on the Supreme Court of the United States 244

LEADING ARTICLES IN EXCHANGES 343, 399